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the principal case it did not appear that the estate had been enriched or that the creditor's primary right against the trustee as an individual would fail in any respect. The denial of a right against the trust estate on either ground was therefore proper.

TORTS — LIABILITY OF A MAKER OR VENDOR OF A CHATTEL TO A THIRD PERSON INJURED BY ITS USE — LIABILITY FOR INJURY RESULTING FROM A DEFECTIVE AUTOMOBILE WHEEL. — The defendant, an automobile manufacturer, sold a car with a defective wheel to a dealer. The defendant did not make the wheel, but was negligent in inspecting it. The dealer resold to the plaintiff, who was injured as a result of the defect. For this injury, the plaintiff sues. *Held*, that he may recover. *McPherson* v. *Buick Motor Co.*, 54 N. Y. L. J. 2339 (N. Y. Ct. of Appeals).

For a discussion of the principles involved, see NOTES, p. 866.

TORTS — WILFUL INTERFERENCE WITH PLAINTIFF'S BUSINESS — JUSTIFICATION — CHURCH INTERDICT AGAINST NEWSPAPER. — The defendants, bishops of the Roman Catholic Church, published in a pastoral letter an interdict against the plaintiff's newspaper. The paper was condemned as "greatly injurious to the Catholic Faith and discipline," and all Catholics were forbidden to read, keep, or subscribe thereto, upon pain of committing sacrilege. The plaintiff now sues for damage to his business. *Held*, that he cannot recover. *Kuryer Pub. Co.* v. *Messmer*, 156 N. W. 948 (Wis.).

In dealing with the modern questions involved in the interference with trade relations, there is a growing tendency to approach the problem from the premise that all harm intentionally caused by active conduct is actionable unless justified. *Walker* v. *Cronin*, 107 Mass. 555, 562; *Tuttle* v. *Buck*, 107 Minn. 145, 149, 119 N. W. 946, 947. See POLLOCK, TORTS, 8 ed., 21. But there seems to be no well-settled legal principle as to what constitutes a justification. See *Vegelahn* v. *Guntner*, 167 Mass. 92, 44 N. E. 1077. In an effort to find a general rule, the courts have attempted to apply various formulæ. See *Allen* v. *Flood*, [1898] A. C. 1; *Bohn Mfg. Co.* v. *Hollis*, 54 Minn. 223, 55 N. W. 1119. Perhaps the most rational of these justifies the intentional injury only if incidental to a legitimate business endeavor. *National Protective Ass'n* v. *Cumming*, 170 N. Y. 315, 63 N. E. 369; *Keeble* v. *Hickeringill*, 11 Mod. 74; *Quinn* v. *Leathen*, [1901] A. C. 495. But what is "legitimate" and "incidental"? It seems preferable to determine whether or not the interference is actionable primarily by the relative social utility of the success of the defendant's purpose on the one hand and the injury to the plaintiff's lawful business on the other, and not upon an attempt to justify, to interpret, or to apply such uncertain terms as "unmixed malice," "unlawful motive," or "conspiracy." *Tuttle* v. *Buck*, *supra*. See O. W. Holmes, "Privilege, Malice and Intent," 8 HARV. L. REV. 1, 8. The principal case presents essentially the same problem, and should be decided upon the same considerations; the public policy against judicial interference with essentially church matters should weigh in the balance. There is perhaps an analogy in the privilege accorded to church communication in the law of libel. See 29 HARV. L. REV. 561.